

Message Text

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E.O. 11652: NA
TAGS: SHUM, UY
SUBJ: ABA MISSION FOLLOW-UP: "EL DIA" OPENS PUBLIC DIALOGUE
ON ABA RECOMMENDATIONS

REF: MONTEVIDEO 1203 (DTG 101901Z APR 78)

1. THE FIRST POSITIVE SIGN OF FOLLOW-UP ON THE ABA
VISIT BY THE LEGAL PROFESSION (AND PRESS) APPEARED IN
A CAREFULLY WORDED "EL DIA" COLUMN, APRIL 16, BY
PROMINENT LAWYER AND EDITORIAL WRITER, DR. ENRIQUE TARIGO.

2. TARIGO OPENED THE COLUMN BY RECOGNIZING THAT THE
TUPAMARO INSURGENCY JUSTIFIED THE MILITARY'S INTEREST
IN THE LEGAL ASPECTS OF ITS COUNTER-TERRORISM ROLE, AND
ITS DESIRE TO MAINTAIN AN INVOLVEMENT. TARIGO THEN PRO-
CEEDED, IN RATIONAL AND NON-POLEMICAL FASHION, TO PROPOSE
A SOLUTION TO TWO PROBLEMS RAISED IN THE ABA MISSION
MEMORANDUM TO WHICH HE REFERRED: (A) MILITARY JURIS-
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DICTION OVER CIVILIANS AND; (B) THE EXPANSION OF THE
MILITARY JUSTICE SYSTEM, EMBODIED IN ARTICLE 18 OF
INSTITUTIONAL ACT NO. 8. TARIGO CAREFULLY WOVE THROUGH
THESE PROBLEMS BY SUGGESTING ENACTMENT OF A MODIFIED
VERSION A A 1942 LAW WHICH WOULD PROVIDE FOR THE RE-
PLACEMENT OF THE PRESENT MILITARY COURTS BY A SPECIAL
MIXED TRIBUNAL WITHIN THE CIVILIAN JUDICIAL SYSTEM AND

INCLUDING BOTH CIVILIAN AND MILITARY JUDGES. HE CONCLUDED BY REFERRING TO THE PROPOSAL AS A CONTRIBUTION TO THE "DIALOGUE" WHICH THE NATION REQUIRES ON MANY ISSUES, AND WHICH HE INFERS WAS BEGUN BY THE PUBLISHING OF THE ABA MEMORANDUM AND THE GOU'S EXPLANATORY STATEMENT.

3. COMMENT: THE TARIGO COLUMN IS A THOUGHTFUL, LOW-KEY ATTEMPT TO WIDEN AND MAKE SUBSTANTIVE USE OF THE OPENING CREATED BY THE ABA MISSION'S VISIT. FOLLOWING IN THE ABA MISSION'S WAKE WITH SELECTED KEY LEGAL ISSUES, TARIGO IS TRYING TO OPEN A NEW ARENA OF DISCUSSION IN THE PRESS, TO TEST THE GOU'S INTENTIONS AND TO STIMULATE OTHERS TO SPEAK OUT PUBLICLY. LOCAL BAR ASSOCIATION LEADERS BARBAGELATA (VICE PRESIDENT) AND RAMIREZ (DIRECTORATE MEMBER) HAVE TOLD US THAT THEY CONSIDER THIS UNPRECEDENTED DISCUSSION OF THESE SUBJECTS AS VERY SIGNIFICANT, AND INTIMATED THAT OTHER LAWYERS AIDED TARIGO IN ITS PREPARATION. WE SEE AN ADDED SIGNIFICANCE. THIS FIRST ARTICLE TO APPEAR AFTER THE BUTLER VISIT, ADAPTS SUGGESTIONS FROM IT TO INITIATE A POSITIVE DIALOGUE. AND, THERE HAS BEEN NO NEGATIVE PRESS ATTACKING EITHER THE MISSION OR ITS RECOMMENDATIONS.

4. PLEASE SHARE ABOVE WITH DRS. BUTLER AND REQUE. PEZZULLO

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